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Operation of Municipal Planning



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The Planning Act Review Committee

Operation of Municipal Planning

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PREFACE

In November, 1975, Review Committee staff completed a series of over 120 interviews in 15 areas of the province. The purpose of the interviews was to seek first-hand impressions of how the present municipal planning system functions in achieving perceived municipal objectives. Municipalities were selected to reflect a cross-section of size; rural-urban characteristics and geographic location within the province, and the people interviewed included both elected and appointed officials; mayors, aldermen, members of planning boards, planners, clerks, engineers, municipal solicitors, etc.

From summaries of the interviews, the report which forms part one of the present document was prepared by the consultant, John Carson of Llewelyn-Davies Weeks Canada Ltd. It should be stressed that the report presents views that are not necessarily those of the Review Committee, but those of the people presently operating the municipal planning system in the province.

The completed consultants report was sent to almost one hundred local and provincial government planners, planning consultants, lawyers and universities. Replies were received from 41 people and a summary of their response, prepared by Review Committee staff, is presented as Part Two of this report.

PART ONE:

THE OPERATION OF MUNICIPAL PLANNING IN ONTARIO

INTRODUCTION

This paper draws conclusions about the current municipal planning situation in the province. It deals with the variety of planning activities, the products of the activities, and the organization engaged in the planning activities. The paper is concerned with analyzing rather than describing the functioning of municipal planning in order to assist in assessing the role of the planning legislation in the effectiveness of the planning process.

The discussion is based on two sources of information. The first, specifically developed for this exercise, are summaries of interview surveys conducted in a representative selection of areas in the province. The areas covered and the municipalities visited are listed in the Appendix. In each area, persons directly engaged in the planning process at a responsible level were interviewed - planning directors, members of planning boards or committees, council members, other heads of municipal departments such as engineers and legal officers, and members of committees of adjustment and land division committees.

The other source of information was the material on local and metropolitan planning prepared for the Royal Commission on Metropolitan Toronto. The conclusions and findings in this material are based on interviews and discussions with 'planners' in the metropolitan Toronto area and adjacent municipalities. They also included informed judgments by the consultants who prepared the material.

The nature of the information used for this paper points to its limitations. The views of the planning situation are those of the participants in the municipal planning process. They do not pretend to represent the public's view or considerations of the public interest, however defined.

The material is presented in the following order. First, the manner in which planning is practised, i.e., the way in which the instruments provided for in the legislation are used is presented. Secondly, an attempt is made to establish certain criteria against which the results of municipal planning could be assessed. This includes both a review of the purpose of planning and an appreciation of the range of planning objectives pursued. Thirdly, the perceived problems and deficiencies of municipal planning as expressed by planners is summarized. And the concluding section assesses the effectiveness of municipal planning in terms of explicit or implicit planning purposes and objectives.

1. FUNCTIONING OF MUNICIPAL PLANNING

This section presumes a general knowledge of the basic planning instruments as provided for in the planning legislation - official plans, restricted area by-laws, subdivision regulations, land severances, and variances - because the nature and intent of these instruments is not directly discussed. The section does describe the extraordinarily diverse manner in which the instruments are used, and it presents the variety of organizational arrangements in operation, despite the superficially similar structure for municipal planning throughout Ontario.

(a) PLANNING ACTIVITIES

Although the same legislation applies, and generally the same provincial ministries supervise and influence local and regional planning, the resulting planning process in the different municipalities of the province is neither uniform nor are the specific activities very much alike in form or operation.

PLANS - PLAN PREPARATION

A considerable amount of work has gone into the preparation of plans for regions, local municipal areas and neighbourhoods, and the hierarchy of plans covers these three levels of (i) regional, metropolitan or area-wide plans, (ii) municipal plans, and (iii) plans for parts of local municipal areas. As will be shown, these three geographic levels do not, however, correspond in any way to content or level of detail in the plans, nor to their status vis a vis municipal adoption or provincial approval. In addition, in a few cases, as for example in the Niagara Escarpment area, further plans are prepared covering parts of the same areas already included in the regional and/or local plans.

Plan production throughout the province has been and continues to be an experimental process. Under the legislation, once a planning area is established a plan is required, and in some cases a time limit is set for its completion, but there are no plan production guidelines. Hence, flexibility and pragmatism is the norm in plan preparation. Similarities in plans are more due to copying or repetition by those responsible for preparing the plans than, for the most part, to genuine imaginative response to similarities in local needs or due to expectations of the usefulness of plans for development control.

Given the variety of situations and development problems, it is not surprising that there is no consistency in format, content or style of plans. But there also is no common approach to plan-making at any plan level. As to who prepares plans there is also no clear pattern. It is not the case, as is often assumed, that staff prepares plans in regions and the larger municipalities, while consultants look after the smaller towns and rural municipalities. In fact, consultants also prepare plans for regions and large towns, and plans for smaller communities are frequently put together by staff, either local staff with assistance from the larger cities in joint planning areas or by regional staff.

The degree and range of skills available naturally has affected plan preparation. The experience of staffs and consultants is often limited and not equal to the task, resulting in lack of quality or inadequate response to needs.

The challenge to plan preparation has, of course, been unequal. Where a plan has been designed principally to restrict development, it was easier to prepare a satisfactory document than in other areas where the aim has been to accommodate a substantial growth in population. Yet, the complexities of the problems faced by the municipalities are generally no indication of the comprehensiveness of the plan eventually prepared. Areas with relatively simple planning issues produce plans

considered too elaborate and detailed, whereas some communities facing complicated growth and redevelopment issues prepare plans without answers to many of their problems.

If there has been no clear understanding of how to prepare a plan for a local municipality, the difficulty has been compounded in Metropolitan Toronto and in the newly established regional municipalities. Because the legislation is silent on the content of regional plans, the definition of "regional" concerns gets established in each region on a trial and error basis and as part of the plan preparation process. In short, there is no province-wide concept of metropolitan or regional matters which requires treatment in a regional plan.

This does not imply that there have been no problems in co-ordinating local plan preparation with regional plan preparation. In general, regional plan preparation has delayed local plan preparation or revision. On the other hand, the creation of regional governments and hence the requirement for regional plans, has spurred on the preparation of plans by smaller municipalities which previously were without plans. The fear of loss of local control seemed to provide a stronger incentive than the desire to plan on the part of the smaller communities.

The content of plans aside, priorities assigned to the preparation of secondary plans in some cities goes to built-up areas; in other cities, the first of the secondary plans is prepared for the fringe of towns which are under development pressures. Priorities may well relate in both cases to the most urgent problems, but they could equally well be a matter of expediency.

A major concern for both official plan and secondary plan preparation is the time it takes to get them done. Where there are development pressures, the plan preparation may be ignored by policy makers and its recommendations may be out of step with development realities, or,

what is more likely, the plan is irrelevant to the development control process and planning policy is made incrementally through the development decision process. Where the official plan has been completed and secondary plans are in preparation, the time factor concerns officials. In some municipalities, at the present rate of district plan preparation, it will take ten years before all district plans are completed.

Where the link between plan and control of development is tenuous, this delay of plan completion may have little if no effect. Where, however, the plan is used as a reference to development proposals, the lengthy plan preparation has a delaying effect on development decisions.

To overcome this handicap, some municipalities have adopted the device of publishing interim planning policies while the official plan is in preparation or is undergoing major revisions. Such policies are designed to guide development control.

The rather crucial matter of public participation in municipal planning was only lightly treated in the interviews because of a separate, specific enquiry on that subject for the Planning Act Review Committee. However, it is an almost unanimous opinion that the public is not very interested in plans and policies; it does not generally understand the overall plans produced; the public is far more interested in secondary plans which touch more on matters of neighbourhood concern; and that the public is most interested in development control decisions because they are closest to their experience and of more immediate concern.

PLANS - PLAN ADOPTION AND APPROVAL

The approval of regional and local plans by the province is the normal and accepted procedure, except that in the case where regional plans

are under preparation, the local plans are usually not considered by the province until the regional plan is submitted for approval. This delay is sometimes disruptive to the development control process since new developments approved are often contrary to an outdated plan.

The status of secondary or district plans is without pattern. They may be informally used by the planning director or adopted by the planning board or by council, or in a regional municipality it may be the intention to have secondary plans approved by the regional council, or finally, secondary plans may be submitted to the Minister for approval. Why this wide range of options? There is reluctance to adoption of too formal an approval process because of problems and delays in amending secondary plans. Against that, there are varying opinions about where major development decisions should be made, assuming the secondary plan is meant to be the document, rather than the overall official plan, which shows general development guidelines suitable for testing development and redevelopment proposals.

A fairly consistent opinion is that the adoption or approval of the secondary plan should be made by the next higher authority than the one dealing with development control, in order to remove major development policy influence from local political pressures.

An emerging question about secondary plan approval is raised in regions where it is intended that the secondary plans form part of the regional plan. Who should approve them - the regional government or the Minister?

PLANS - THE CONTENT OF PLANS

One's first reaction on finding the great variation in the content of plans is that this is a good thing because it might mean that every plan has been designed to respond to the particular needs of the area,

and that therefore the flexibility allowed for in the legislative framework has proved its value. Such optimism quickly disappears on examination of the plans. The differences in the content of plans rather relate to the differences in time at which they were prepared; to the level of understanding of the plans' purposes; to the amount of genuine desire to engage in planning on the part of decision-makers; to the knowledge and competence of those given the responsibility to prepare the plans; and, in quite a few cases, to the personality and forcefulness of the planning director, (as well as his perceptions about the value of plans).

The time horizon of plans differs; there are short-term and long-term plans, and there are plans without any specific time dimension, which have now been blessed with the term 'mature state' by the provincial planners. Similarly, phasing of growth and change may or may not be a feature of plans. This distinction alone indicates very different approaches to plan formulation.

Older plans generally lack issues of current interest, such as the preservation of the natural environment and social concerns. But the treatment given to these issues in plans prepared recently varies considerably.

The differences in content become especially noticeable where municipal reorganization has occurred. Often, the 'new' plan becomes a consolidation of the existing plans in the reorganized area, with little attempt to achieve a common level of detail. This may, of course, not be readily possible since comprehensive zoning by-laws for the original areas are tied to the respective parts of the 'new' plan.

Despite the adoption of the district or secondary plan concept, which is seen as the more useful plan to assist in local development matters, the content has not always been sufficiently detailed or suitable to

the development control process. As a result, some further planning tool supplementing the district plan has been introduced. Sometimes called 'development guidelines', they are intended for use in conjunction with district plans to provide the kind of guidance to developers which presumably was to have been apparent in the district plan.

Another planning device, of an unofficial nature, which addresses the same problem, is a neighbourhood design covering usually two or more adjacent development proposals. Such exercises seem to be needed because the secondary plan is inadequate for its originally intended purpose - to guide local development according to the strategies and policies contained in the official plan for the municipality.

The content of the Metropolitan Toronto plan, and later of the plans for the regional municipalities, raises a different set of issues: what are the unique matters of area-wide planning concern to require documentation in a metropolitan/regional plan, and where is the dividing line between regional and local planning aspects? In the event, it was not theory but practical politics which provided the answers. By and large, it was local initiative and local determination to retain control over land use which decided the residual content of regional plans.

The state of local planning at the advent of regional planning usually foreclosed the opportunities for many changes significant to regional strategy. Basically, therefore, the content of most regional plans reflects a consolidation of area municipal plans in terms of land use, density patterns, and community structure. Consequently, the standard legislative requirement that municipal plans be brought into conformity with regional plans is apparently not a demanding requirement.

If regional governments adapt in certain respects to the matters dealt with in local plans, an analogous adaptation may occur between the provincial and regional plans. At present, it is difficult to find

common strategies behind regional plans and the province's regional policies. It may be anticipated that the sum total of regional plans, especially in southern Ontario, will constitute the province's effective regional policies.

Without being too specific about the detailed content of the various plans, there seems to be general agreement on the core substance of each level of plans. The regional plan should provide the broad policy framework for the direction and quality of growth and establish the appropriate services network to allow for the pace and direction of regional growth. The area or municipal plan should deal with patterns of land use, densities, and community growth and change. The lowest level of plan - district, secondary, or community - should deal with detailed local matters related to development and its control.

PLANS - CONFLICTS

Despite the logic and theoretical subtlety of this separation of planning responsibilities from the local to the regional level, which is basically subscribed to by all concerned, conflicts remain.

Since local municipalities prepare plans with specific development proposals and pressures under consideration, how can a region produce a plan which is regional in concept? Conversely, with varying citizen pressures at the local level successful in resisting market pressures for growth and development, how can a regional plan exercise a balancing influence for rational regional development goals?

The weaknesses of the regional plans are recognized because many implementing powers remain in the hands of the local municipalities. Quite aside from land use distribution issues, the metropolitan or regional objectives in respect of housing and transportation incorporated in regional planning policies are being frustrated by local development decisions.

The machinery for reconciling conflicts or co-ordinating planning programs across boundaries either does not exist or does not function. In the Toronto area, there is no co-ordinating mechanism between Metropolitan Toronto and the surrounding regional municipalities. Elsewhere, adjacent municipalities fail to reconcile joint objectives even where plans are being prepared at the same time or where a joint planning organization exists.

The hierarchy of plans (regional, municipal, district) also creates difficulties in practice. Where both the regional and municipal plan is a general policy document, either the two policies conflict or one of the two plans becomes irrelevant. It is therefore suggested that in a regional municipality only two plans are needed - the regional policy plan and a series of secondary plans.

PLANS - THE PURPOSE OF PLANS

At some stage the embarrassing question of why there are plans comes up. The simple and only partly cynical answer is that the legislation requires them. And perhaps if plan-makers knew precisely why they are producing plans and what they are prepared for, the plans might look different.

The conventional purpose is readily stated in more or less comprehensive terms. Unfortunately, plans do not seem to satisfy the purpose, or there is no apparent way in which one can move from the document to the accomplishment of its purposes. Borrowing the terminology of an unpublished statement by a planner, the purpose of plans is "to ensure that decisions with respect to public and private development and redevelopment, and the formulation of public service programs of all kinds, will take place against a background of well thought out policies

respecting land use, population and density, employment, environmental protection, transportation, social services and utilities, all staged in accordance with the foreseeable resources, etc. of the local or regional municipality concerned".

Elected and appointed planners have no difficulty agreeing with this statement if it is put to them; many would not be able to formulate such well-rounded statement of purpose. Yet, if that be the agreed purpose, the plans neither look as if they could, nor do they in fact, achieve but a small part of the lofty purpose. Why this should be so will be partially answered in the conclusion.

One pertinent question about purpose may be mentioned at this point: is such all-embracing purpose necessary everywhere, and is there a universal need for a plan of the kind being produced? In the unorganized areas of the province, in northern Ontario, in small towns and rural areas far removed from southern Ontario's growth corridor, and in generally stable areas, the purpose and nature of planning documents is probably different from the conventionally accepted norm.

PLANS - REVIEW AND AMENDMENTS

As a general rule, the more positive and detailed the official plan is the more often does it require amendments and the sooner it needs revision. By definition, a plan that is vague and general in its policies can accommodate most development proposals without amendment, so that the frequency of plan amendments and plan reviews is generally a function of the degree of detail contained in the plan.

In some communities many plan amendments are minor and reflect the fussy nature of a plan rather than persistent development contrary to the plan's concept. In other cases, the bulk of plan amendments accommodate

subdivisions or allow increased densities which were not intended at the time of the plan's preparation. Where this happens, the province usually suggests a plan revision rather than let the plan become a holding zoning by-law.

There is no pattern to the revision of plans. Some municipalities have the intention to review at regular intervals, say every five years. Most municipalities undertake plan reviews at irregular intervals and for a variety of reasons. Some out of embarrassment to legitimize a comprehensive zoning by-law or to recognize extensive development allowed under the approval process which was out of step with the plan.

Some municipalities revise their plans to obtain a more useful development control instrument, having failed to use too general a plan for that purpose. Revisions have also been made to incorporate social, environmental preservation, and neighbourhood protection objectives which were not in the original plans. Changes in major policies can also lead to plan revisions.

Two basic methods are used in plan revision: general reviews in which the whole plan document is revised, or staged reviews based on specific functional studies concerning transportation, housing, or commercial development which lead to incorporation into the plan.

To avoid the time-consuming process of plan review, with its years of discord between plan and development control, a new concept of 'monitoring' the plans had emerged. Its value has not been tested yet but the intention is to keep abreast of development trends in relationship to the plan and the plan's objectives. The reasons for failure to achieve objectives can be analyzed and the plans can be constantly amended to take account of both changing trends and new policies, thus eliminating the need for periodic and lengthy plan review exercises.

PLANS - IMPLEMENTATION AND THE VALUE OF PLANS

The preceding discussion of the various aspects of plans may create the impression that plans are very important in the general scheme of municipal planning. This is probably a false impression. The energies expended on the preparation of plans has indeed been considerable but the plans' usefulness to the planning of development and the control of change has been fairly limited. This judgment does not apply evenly; some plans have been effective while little could be claimed for others.

A serious shortcoming of perhaps most plans is that they are not understood properly by local decision-makers, and even by municipal departments outside the planning field. Therefore, whatever the nature of the plans, they do not adequately feature in the municipal development control process. Whether the plans are realistic and implementable is another question entirely. The fact that some councillors do not know whether their municipal plan has, or has not, something to say about public and private development decisions is a telling comment on the value of plans.

The relationship between the municipal plan and development control is generally weak for several reasons. The plan may be too vague to be of any help in evaluating development proposals. At the other extreme, there are cases where the plan is said to be indistinguishable from the comprehensive zoning by-law, and in the absence of policy statements in the plan, it does not add anything useful to the development control process. Again, some plans concentrate on long term issues without spelling out how the community is going to get there; hence, the plans are not very relevant to current development proposals. Outdated plans naturally can serve no useful purpose at all.

A major fault, which applies to the majority of plans, is the absence of any attempt to relate the plan proposals to the available public resources or to test the plans' financial feasibility. Municipal capital budgeting

is usually divorced from the preparation or implementation of the plan. Over the longer term, the notion of establishing and linking a capital improvement program to the official plan is not practiced. Consequently, one of the recognized purposes of having a plan - to relate policies and plans to foreseeable resources - is not carried out in most municipalities and the local public works program does not necessarily follow the intent or the policies of the plan.

The effect of the gap between the plan and development has further consequences. In essence, the outcome of an ineffectual plan is that policy is made, however incrementally, by the development control process.

These comments on plan implementation and the general value of plans relate mainly to local official plans. Experience about regional plans, with the exception of Metropolitan Toronto, which is a special case, is short-lived so far. Other area-wide plans for joint planning areas have a longer history. The value and implementability of regional and joint-planning-area plans should be assessed differently from local plans, and the assessment should be based on a more specific definition of the purpose of regional plans as distinct from the purpose of local official plans.

Allowing for the uniqueness of Metropolitan Toronto and the region, and taking into consideration the varied and limited experience of regional plan preparation (in Ottawa/Carleton, Niagara, Waterloo, York, Peel, Durham and District of Muskoka), it is clear that while there is talk about regional and local planning responsibilities, it has not been easy in practice to distinguish between regional and local planning interests. This is true in respect of plans and policies as well as development control. The separation of the provision of public services is more easily arrived at in a two-tier system than the separation of public planning responsibilities and powers. And far more thought will have to be given to this issue by the province in respect of its regional government and regional planning policies and legislation.

CONTROLS

The preparation of plans, and their content and use, was seen as an essentially undirected, variable, somewhat disorderly process of limited effectiveness. Yet, by comparison with development control activities, it seems almost an orderly and well regulated process. The legislative framework for development control is, as for plans, generally the same for most areas in the province, but the manner in which the control instruments are operated varies widely. This lack of uniformity exists partly for the same reason as in the case of official plans, because the legislation does not provide any guidance in the exercise of planning controls. The other reason stems from the fact that there is no agreed-upon purpose for the whole control process.

Development control is exercised by the legislatively prescribed instruments - subdivision plan approval, agreements attached to such approvals, severances, zoning by-laws, and site plan control under Section 35a.

In the absence of a defined purpose or of regulations for operating the control mechanism, each municipality has, over the years, developed its own somewhat unique development control system. The municipalities may all use the identically labelled instruments but the process is not the same. The relative importance to the overall control of development of the use of zoning by-laws as against subdivision approval differs, and the variety of techniques employed in the use of zoning by-laws creates altogether different planning control systems throughout the province.

One can distinguish four components of development control: (1) form, such as lay-out and density; (2) type, or land use; (3) location; and (4) timing. Generally, subdivision approval deals with the form and type of development (1,2); zoning by-laws are concerned with form, type, and location (1, 2, 3); the processing of development proposals

directly or indirectly affects the timing of development (4); and the official plan, in theory at least, should guide development in all respects - form, type, location and timing.

The overlapping nature of the various development control instruments allows for different ways of managing control and is also responsible for duplications in the control process. The wider range of concerns of zoning by-laws make them a more powerful tool, but this is no indication of the primacy of zoning in the actual control of new development. Re-zoning for new development may precede, be processed concurrently, or follow the approval of subdivision proposals.

For the control of new development, the principal method used may be subdivision approval, or rezoning, or land severance. There is no obvious pattern to the methods used under different circumstances, although the consent system is generally only of main importance in rural areas.

Perhaps the deciding factor for the local preferences of zoning or subdivision control is the complex system of agreements and conditions attaching to each of the main methods, as they have evolved in each municipality. Similar results can be achieved by subdivision approval with a series of development agreements as by rezoning with site plan approval conditions, with or without the use of Section 35a of The Planning Act.

The fact remains that in some municipalities, the comprehensive zoning by-law is the main tool for the control of development; in others, where suburban single family housing constitutes the majority of the development, the subdivision approval process is the main development control instrument; and in a number of non-urban areas, much or most of new development occurs through the severance process. But it must be emphasized that the predominant use of one method does not mean the exclusive use of that

method. Complex systems have developed in some municipalities where both methods are operating, with extensive use of agreements attaching to both subdivision approvals and zoning by-law processes.

Section 35a is illustrative of how the mere provision of a control instrument, in this case site plan control, neither assures its use nor the extent and nature of its use. Some municipalities do not use it; some use it occasionally for specific development applications; some use it extensively; some use it to legitimize a process in use for a long time; and some municipalities who originally asked for this provision do not use it now because they feel it is not comprehensive enough.

Whatever mixture of development controls is operating now, and whatever the degree of locally desired control, it is universally agreed that the system is too complex, too time-consuming, and rarely achieves the kind of control needed. The diversity and complexity of the development control systems in operation based essentially on the identical legislation, indicates both a lack of clear legislative intent and a process of experimentation on the part of each municipality towards a locally suitable system.

In at least one urban municipality, a control system has developed which provides for a dual process of approval; approval in principle, followed by detailed approval. It is a complicated system, difficult to understand by the layman, requiring experienced and competent staff, but considered helpful to the development process and to developers who can settle major issues before preparing detailed plans. This particular process is related to the official plan and is designed to implement the plan by a distinct use of the comprehensive zoning by-law.

This notion of 'implementing' an official plan through zoning has produced various zoning and rezoning mechanisms of greater or lesser complexity, and greater or lesser control effectiveness. If no development control

is intended in the 'implementation' of the plan, the comprehensive zoning by-law may 'pre-zone' all land for its intended future use. This clearly negates the use of zoning as a control instrument and re-establishes it to its original use as a property protection device.

The more normal use of zoning in the province is to cover the municipality by a 'predominant use' or 'existing use' or 'holding' by-law. Thus, most development can only be permitted by piecemeal rezoning or zoning amendments. This process, which is usually accompanied by the site plan approval process and specific agreements, may or may not 'implement' a plan. The practice varies, depending on the existence of a plan, the detailed nature of the plan, the explicit nature of the plan policies, and above all, on the willingness to follow the plan.

In municipalities where the processing of subdivision applications proceeds ahead of the zoning mechanism, zoning by-law amendments become a mere rubber-stamping of the agreed-to subdivision design, which again may or may not conform to the official plan.

The variety, detail, and comprehensiveness of zoning designations in force defy summary. The matters being regulated have reached a state of high complexity. Many of the detailed aspects of zoning seem to be of little or doubtful relevance to community development, but are a serious handicap to community design. Some of the amendment processes used are of questionable legality, for example, by-law amendments may be passed by municipal councils but not submitted to the O.M.B. because of conflicts with the official plan or in order to shorten the approval process.

The local subdivision review process is less complex but provincial approval is generally criticized because it takes too long and it lacks perception of local issues. Delegation of subdivision approval to the regional governments may overcome both of these problems. But experience has been too short to draw any conclusions.

Developments under consents appear to function with less criticism. Land Division Committees or Committees of Adjustment seem to be strongly guided in their decisions by plans and policies. Although most of the developments under the land severance system occur in non-urban areas, the simplicity of its procedure, and the differences in notification and other methods from the regular subdivision process, raise the question of its wider application, or of the advisability of the simplification of the subdivision process.

A strong link between community plans and the control of development is a measure of a municipality's desire to plan and its effectiveness in achieving its objectives. It is true to say that the co-ordination of development control with plan policies varies in the province from strict adherence to complete relaxation. But such simplification hides the fact that policies may not exist or that a tough control process may be in pursuit of vague plans and unstated policies.

Of the two parts of the planning system, the quality of plans and their usefulness are unsatisfactory, and cause some concern to planning officials. Development control, because it is the action end of the system and because it does not function very efficiently or speedily, is of much greater concern to official planners and developers alike.

(b) ORGANIZATION OF PLANNING ACTIVITIES

The formal structure for operating municipal planning is more complex than the organization of other municipal functions. This may be due to a number of reasons: the impact of planning decisions is of wider concern than of other municipal actions; planning decisions are of direct interest, and often conflicting interest, to specific persons and to the public; the comprehensive nature of planning affects a broader spectrum of municipal responsibilities than other more narrowly defined local functions.

Although more complex, the municipal planning process uses the familiar local government bodies - committees, boards, and councils - for review, recommendations, and decision. The significant differences in the organization of planning activities compared to other functions are: (i) a greater number of bodies is involved; (ii) bodies with the same name are differently composed; (iii) changes have occurred in the use of various bodies; (iv) there is, therefore, no uniformity throughout the province.

A summary, in simplified form, of the roles of public bodies in municipal planning shows that Planning Boards and Planning Committees prepare plans and zoning by-laws, review development proposals, and make recommendations to council on all these matters. A particular kind of body with limited advisory responsibilities is the Joint Planning Board which mainly operates in rural areas and in areas with small communities surrounding one or more small urban centres.

Councils make decisions on the recommendations coming to them but they generally do not have powers of final approval which is given by the province, unless powers have been delegated. Committees of Adjustment and Land Division Committees make decisions on such matters as land

separations, which often amount to development proposals, and give approval to their own decisions. In all cases, of course, there are numerous advisory arrangements and circumscribed powers of decisions in respect of existing plans, policies, and zoning by-laws in force.

Approval and appeal rest with the province - with the Ministry of Housing and the Ontario Municipal Board. In addition, the Minister of Housing and the Minister of Natural Resources directly exercise planning functions in communities without municipal government.

Apart from these official agencies of government, a summary of the organization of planning activities would not be complete without mentioning the public, represented individually or in groups, and the developers, acting as a rule singly for each large or small development proposal.

The review of the organization of planning activities is mainly concerned with anomalies and points of special interest to the working of the planning system, not with a detailed examination of municipal management. A commonly discussed organizational issue concerns the relative merits of planning boards and planning committees. Boards were originally introduced into local government in order to remove politics from decision-making. In today's climate, politics, in the sense of the 'voice of the people', cannot be excluded from the decision-making process.

It would not be very helpful to reiterate the list of claimed advantages for boards, such as introducing 'experts', saving council's time, and allowing more thorough consideration, because some of the advantages can be achieved through the committee set-up, and in any event, there are also a number of disadvantages put forward against the use of boards, such as lack of accountability, and allowing council to shift responsibility.

There is a tendency for planners to be satisfied with what they have got - planning board members and some planning commissioners still operating under the board system are satisfied with it, whereas councils which have switched to the committee system are happy with the change. Generally, those who are not satisfied are politicians and staff who feel strongly that the board system has outlived its purpose.

Perhaps the relevant points to be made at this stage in the debate are:

- Not all planning board members are lay persons and not all planning committee members are elected; there are many bodies with a variety of membership.
- Aside from the lay/politician preference argument, the question to be examined is whether there is a need for an additional forum (in addition to the political municipal structure) for the preparation of plans and for the consideration of development decisions.
- Alternatively, it may be desirable to shorten the line of decision and make the process more direct.
- If there is a consensus about the need for some non-elected body to have an official role in advising council on planning matters, is the planning board structure the appropriate one?
- Planning boards as now selected cannot be broadly representative in a meaningful way.
- Planning board members have increasingly come to be appointed for their political views.

- The technique of establishing an advisory planning committee, composed of lay persons, is available, and has been used.
- There are important advantages to the committee system, such as the ability of council to become better informed about planning matters, especially where the council as a whole sits as the planning committee.

It is instructive to observe that the predominant view about the need to vest decision-making in elected hands is in direct conflict with the operation of committees of adjustment and land division committees. These committees make decisions for variances to zoning by-laws and make significant planning decisions in the administration of 'consents' or land severances. Both committees are non-elected bodies, and there is general satisfaction with their performance.

It would seem that the time has passed when the question turned on whether politicians or lay persons review planning issues and make recommendations. The planning process, especially in the urban areas, is political and cannot function outside the political field. The public now clearly desires to see where responsibility lies, and it wants to use its influence where it can be effective.

A further, and more compelling issue, would seem to argue in favour of integrating the planning organization with the municipal administrative structure. Planning touches on many municipal activities - utilities and services, parks, schools, and social services - which can be better co-ordinated if they are all part of a direct and integrated municipal council control. The need for and experience in this kind of integration is evident from the review. In one city, the planning board has become a more important body than originally envisaged in the legislation by its involvement in establishing overall municipal policy. In another area, it is interesting to observe how the planning committee is hampered in its work by the planning functions carried out by a number of other municipal committees, unco-ordinated with the planning committee.

Below the publicly recognized organizational structure, there are many types of informal committee arrangements, mainly of senior staff, which facilitate planning considerations and decision-making. While it is difficult to make any judgments about the effectiveness of the various co-ordinating committees, it seems that these informal committees are frequently responsible for the successes of the municipal planning process.

The co-ordinating committees mostly consist of the municipal department heads, but in some cases, the chairman of the planning committee (or board) and another elected person also are members of the co-ordinating committee. The role and status of planning in municipalities is often revealed by the composition, chairmanship, and functioning of the co-ordinating committee. The committees are generally fairly small, about five to six persons, but some have only three members. Clearly, in confining membership to very few municipal departments, the scope of planning becomes narrowly defined.

Who the chairman is would seem to indicate the relative importance assigned to the technical aspects of planning in the local decision structure. The practice varies; the chief administrator may be the chairman, or the planning commissioner, or the chief engineer. In some municipalities, the development commissioner, who supervises a number of departments, represents the planning director indirectly on the co-ordinating committee. It should be realized that the pecking order itself, as represented on the committee, does not tell the whole story about the relative influence of planning in municipal decision-making. As always, strength of personality plays its part.

The internal planning co-ordination has been worked out in different fashion to fit local administrative and political circumstances. Inter-municipal planning co-ordination has received some attention but has reached less firm and workable arrangements. In two-tier situations, the working relationships got established through the preparation of regional

plans and through reviews of development proposals. Outside two-tier areas, or between two municipalities in separate regions, co-ordination has progressed little. The province has shown some initiative in organizing co-ordinating machinery by establishing joint planning boards. But, little has been achieved because the province has failed to follow its lead with technical and other assistance, and the municipalities on their part did not perceive any urgent need for making joint planning boards work, or they failed to understand what functions the boards could perform.

The organization of municipal planning activities is not self-contained but subject to provincial direction and review. Broadly, the Ministry of Housing has review and approval powers for official plans and subdivisions; the Ontario Municipal Board is principally involved in approval of zoning by-laws, but it also constitutes the appeal body in the municipal planning system. The Board's decision, in turn, can be appealed to Cabinet.

The need for the Ministry's activities are by and large accepted as necessary but more delegation of subdivision approval is desired. The length of time taken by the bureaucratic review process is a universal complaint. As noted earlier, the Ministry does not provide helpful guidance in the preparation and co-ordination of plans.

The position of the O.M.B. as an administrative tribunal in the municipal planning and financial field is a fairly independent one, even though the Board is responsible to the Minister. The Board's independence has led to a situation where it not only applies policy but interprets policy. At times, the Board even makes policy in the absence of announced provincial policy and thereby establishes provincial positions.

The Board's long history has placed it in a venerable position, but the time-consuming appeal process is widely criticized because of its disruptive effects. Frivolous objectors and objectors who fail to appear

at hearings unnecessarily add to delays. Yet, even beyond these administrative problems, a growing number of planners question the O.M.B.'s present role in the planning process which has grown largely because of increased citizen interest and participation.

In both technical/financial and policy matters the review and appeal function is a necessary one; what is being questioned is (i) the advisability for the same agency to deal with both matters, and (ii) the suitability of an administrative tribunal for policy decisions. As the system works now there are excessive delays, unnecessary frustrations, and enormously costly procedures which affect the planning process and planning proposals. The threat of opposition is often enough to change a proposal. And the inevitability of an O.M.B. case automatically raises the cost of development.

If the O.M.B.'s role has changed because of increased public interest in planning, that interest needs to be dealt with in a more successful way than in recent years. It has already been mentioned that the subject of public participation forms a separate study for the Review Committee. Some comments were made earlier about public participation in plan preparation. The conclusion to be drawn about public participation in the development control process, from the general review of municipal planning, may be briefly summarized:

- Since the public is more interested in current development activities, its participation is mainly directed at development control, i.e., rezoning and subdivision approvals.
- Public participation is essentially reactive and largely a negative exercise. In its present form, it probably could be nothing else. The public hears about, or is informed about, development proposals and it is asked to react.

- The planners - elected, appointed, and staff - have come to live with public participation; partly because they believe it performs a useful function, and partly as a matter of self-defence to avoid frustrating opposition.
- Methods employed to manage public participation range from set presentations to informal 'open houses'.
- But municipal planning has generally not come to grips with public participation; it is merely regarded as an additional responsibility.
- In some places, however, participation by neighbourhood groups in plan preparation, particularly at the local level, has been officially established with apparent success.
- It is not clear what purpose is to be served by the various techniques used to 'work with the public'; whether to have the public influence the decisions or merely to allow the public to let off steam, whether to engage in 'planning by the public' or to 'plan openly in public'.

2. CRITERIA FOR ASSESSING EFFECTIVENESS OF MUNICIPAL PLANNING

The people engaged in municipal planning do not usually think about the rationale for planning, nor do they formulate statements about the expected results of their planning activities. This applies equally to elected and appointed members of planning boards and planning committees as to professional staff.

When planners say that they are satisfied with the planning system or parts of it, or when they criticize various aspects of the system, they do so against unstated criteria. They may be concerned with the techniques of the system only, e.g., efficiency and speed of processing development proposals, or they may relate their concerns to the outcome of planning policy decisions, e.g., growth or change in certain locations.

To try to assess the effectiveness of municipal planning it is helpful, and it may be necessary, to articulate and analyze the expectations of participants in the planning process.

Essentially, two kinds of motives may be identified for measuring effectiveness: (i) the purpose of planning, and (ii) planning objectives. By separating these basically different criteria, it may become possible to apply relevant tests of effectiveness.

The purpose of planning relates to 'why' municipal planning is practiced, whereas planning objectives relate to 'how' the planning instruments are used.

Why we plan has, of course, not been precisely established or commonly agreed to in Ontario. The Planning Act uses the familiar phrase "to secure the health, safety, convenience or welfare of the inhabitants...". More specifically, there are two notions about the advantages of, and perhaps even the need for, municipal planning in the province:

- to influence and guide development in order to avoid the effects of uncontrolled growth and change; this includes the control of the size, rate and form of development;
- to allow municipalities to make rational public investment decisions in order to provide an adequate and balanced supply of essential and desirable services.

The purpose of municipal planning, then, is to give the public a measure of control over the direction of development in the public interests, (how ever public interest is generally perceived at various times). It establishes the acceptance of interference with uncontrolled growth and change. The achievement of the purpose becomes a technical matter of devising instruments which, in fact, can efficiently, equitably, and acceptably guide development. And legislation is designed to establish the suitable technical machinery.

But to opt for planning says nothing about 'how' to use the planning machinery. There is a consensus on municipal planning purpose, it must be admitted, only up to a point. Where the generally accepted interference with the development process clashes with the property rights and their benefits, a limit is reached. This is carefully dealt with in legislation and policies concerning dedication and expropriation. Nevertheless, within the prescribed limits, the planning legislation sets up a basically neutral machinery for achieving the essential purposes of municipal planning - management of growth and rational investments for public works.

The discussions with those involved in municipal planning confirm that: (i) they rarely stop to think about the purpose of planning, and (ii) they accept the purpose as expressed above almost as self-evident.

The other conclusion reached from the review of the current planning situation at the municipal level about the purpose of planning is

that it is only partly served. The planning process does influence development in varying degrees, it does avoid many of the effects of uncontrolled growth, but it only rarely assists in the long or short term public investment decisions because the planning system usually operates independently from the public improvement program, where it exists, or it has no influence in establishing one.

Planning objectives, as distinct from the purpose of planning, have to do with the achievement of specific ends. They are not stated in the planning legislation. They are matters of policy, not of technique. Municipal planning objectives could never be identified province-wide, neither in the past nor today. With the advent of citizen participation in planning, one may go one step further and say that planning objectives vary between neighbourhoods in the same municipality.

Planning objectives also change over time, which has become very evident in recent years. The turn-around from the desire to grow to an opposition to growth is one example of the change in objectives. The increased interest in the natural environment is an example of a new objective. And the restrictions arising from economic pressures (cost of energy, cost of land) explain imposed objectives.

Because of recent changes in the public's outlook and because of the basically controversial nature of objectives affecting large sections of the community, it is difficult to assess planning objectives at the present time. Municipal planning objectives are generally not clearly stated or not stated at all, though a series of approved developments may indicate underlying objectives.

However, the review of the present situation provides some judgments about the position of objectives in the current municipal planning system:

- The system appears best designed for, or functions in favour of, delay and opposition to change.

- A polarization has developed in recent years in respect of planning objectives between on the one side the accommodation of growth pressures and acceptance of change, and on the other side the desire to slow down growth and to close the door to any change.
- The public appears to support more strongly essentially negative and restrictive objectives.
- Where positive objectives are stated or can be inferred, the implementation process seems to fail to pursue them.
- The municipal planning system is ill designed for arriving at workable statements of municipal planning objectives.
- The absence of objectives or the failure to pursue them may ultimately derive from a lack of willingness to practice planning.
- The public is disillusioned about planning and confused about planning objectives.

3. PERCEIVED PROBLEMS AND DEFICIENCIES OF MUNICIPAL PLANNING

Municipal planning in Ontario is the creation of the province - legislatively, administratively, quasi-judicially, and in small part, financially. So naturally the foremost criticism at the local level is directed at the province.

The municipal planning system is said to suffer at the same time from too loose direction and too restrictive supervision. Whether the fault lies with the legislation or its administration, the difficulties spring from the fact that municipal planning is a local function suggested or imposed with inadequate instructions, explanations, or technical assistance for municipalities to operate it.

It may be desirable to have it but the kit is incomplete, and the province, though involved in the functioning of the system, does not manage to make it work properly.

Plans are required and development control must conform to the plans. But there is no guidance about the nature, suitability, and content of plans. On the control side, a great number of tools are provided, but again without proper advice of how to use them and with time-consuming participation by the province in the control process, much of which appears to be unnecessary.

In the unorganized areas of the province, where the planning problems are generally not very pressing or of major proportions, the province appears to be no more successful in directing a simple control system than it is in its efforts elsewhere. The joint planning district machinery set up by the province in the smaller urban and urban/rural areas where provision of plan and control co-ordination seemed to be necessary, has meant only that the province created the organizations but left them to their own devices once created.

In some urban areas of Ontario, the province made a major policy commitment to regional government and regional planning. But the regional legislation dealing with planning was not helpful toward the establishment of regional plans and regional planning. It was a case of a sorcerer's apprentice handiwork - creating an interesting but superficially detailed solution to the urban growth problems of central and southern Ontario, expecting to learn and benefit from the experience, and hoping that it might work out. The outcome so far for regional and metropolitan plan making and regional planning administration is not encouraging.

The basic problems with municipal planning, as with regional planning, are perhaps not due to the legislation. The fundamental problems are political, administrative, and technical, which are summarized in the conclusion. However, the planners at the regional and local level have learned two major lessons from their experience in trying to make the system work. The link between plans and the control of development is generally weak, and the development control operation is too complex.

These two major problems could probably be overcome together by a basic change in the development control system. It is important to realize that development control and not the plan is the deciding factor in the working of the total municipal planning system. The separation of the two functions, administratively and technically, at the provincial, regional and local levels of government is a major cause for the lack of accord and relationship between the development control process and plans.

A most instructive finding of the survey and review of the municipal planning system is how in various ways municipalities are using planning instruments for development control which were originally designed for other purposes. This applies particularly to restrictive area by-laws. Experienced planners are generally led to the conclusion that different instruments and arrangements would serve the purpose of development

control better. Usually, the description of the better instruments fit the kind of control system they are trying to operate. Existing tools are just unsuitable for present purposes and practices.

The preferred planning system requires a more rigorous plan structure, a replacement of zoning by-laws and subdivision approval by a more flexible method of control, and a direct and essential link between them. In a sense, it is the reverse of current municipal planning. The main features of the recommended change are: (i) that it emphasizes the importance of the plan documents, which would no longer be acceptable as vague plans and motherhood statements about the future of towns and regions, and (ii) it allows simpler procedures for giving consent to development proposals and gives greater freedom to the design of development and redevelopment.

One major difficulty should be anticipated for such a change in the system. Some parts of the present planning system are not working as well as they might because of lack of technical experience or competence, especially in regional but also in local planning. The recommended change relies for its success very heavily on technical skills.

The organizational problems revealed in the review can be considered as minor, depending on one's view about the relative rank assigned to organization and management for the performance of municipal functions. If the view is taken that organizations are created and structured to perform certain specific functions, then any new system can be provided with a suitable management structure. It is not too useful to examine the presently perceived organizational problems to decide if they are due to unsuitable arrangements or due to basic faults in the planning system itself.

The important issues, considered by some to be organizational matters, are actually political and they require accommodation in any planning system decided upon. The role and place of non-elected persons in

the planning process is one of the issues. Their traditional role as lay persons, and therefore as representative watchdog for the public, has become obsolete in face of the more direct, as yet largely unorganized, participation of the public in the planning process. How the lay members' role on boards and committees is settled depends very much on the solution of the second issues - the place and function of public participation.

Clearly, nobody is satisfied with the sum total of present arrangements for the public's participation in the planning system. And it is certain that the public's role cannot be properly defined in isolation from changes to the system. Part of the reason for the unsatisfactory state of public participation is the unsatisfactory state of the planning system itself. The public's concerns relate broadly to 'process' and to 'decisions'. If the public's concerns about process are taken care of in a restructured system, there will be that much less to worry about. The public's interest about planning decisions could conceivably diminish under a different system which creates a better understanding of planning policies and the grounds for decisions.

The final organizational/political issue of importance concerns the appeal function. Planning decisions range from political to purely technical. Whatever their nature, and wherever the decisions are made (locally, regionally, or provincially), an efficient and impartial appeal machinery is required. The present appeal system, principally through committees of adjustment and the O.M.B., has its critics, largely on account of the time taken and because of the frivolous nature of some grounds of appeal.

If improvements are made to overcome the problem of time and groundless appeals, the participants in the planning system would be generally satisfied with the present appeal structure. Whether a different structure would be more appropriate for a changed planning system depends, of course, on the changes made to the system. In theory, a good case

can be made, if the development control system is changed somewhat in line as described above, for dealing with purely technical appeals close to the local situation by an appointed body, and with all other policy appeals by the province at the political level.

4. CONCLUSION

The review of municipal planning is interested in how the system functions and how effectively it functions. It was suggested that effectiveness should be assessed in relation to purpose and objectives. As to purpose, in respect to the influence of the municipal planning system on development, it is found that this purpose is achieved in an inefficient manner, and as long as planning objectives remain largely negative, i.e., opposed to development, the present system is probably suitable.

In respect of the other planning purpose - the integration of long term planning with public investment programs - little has been achieved, largely because this purpose has not really been pursued extensively. To the extent it has been attempted, it functions reasonably well.

Assessing the planning system's effectiveness in terms of achievement of planning objectives, one should consider achievement of current objectives as well as the likely achievement of other objectives. Because the plans, which should deal with policies and objectives, are in most municipalities not well related to the development control process, it is difficult to be sure that objectives are adequately considered, and therefore their achievement must always be in doubt. However, where planning objectives are mainly focussed on slowing down growth, the planning system is effective because of its slow development approval machinery, because it is more effective in the negative review of development proposals than in positive promotion of development, and finally because public participation in the planning process is uniquely capable of stopping and slowing down development.

Whatever degree of effectiveness the system shows, it is significant that it is basically not the planning legislation which causes the real problems. It is true that The Planning Act may not be particularly

helpful to the working of the system, but there is sufficient evidence in various parts of the province to show that with skill and ingenuity, the system can perform - it does not prevent the production of imaginative and forward-looking plans, nor is it impossible to achieve development control which implements clearly stated objectives.

The fundamental problems of the municipal planning system are political, administrative, and technical - not legislative. The most important among the issues are:

- A genuine understanding of the commitment to comprehensive and long range planning at all levels. Despite all the preambles to plans and other pronouncements, there is a doubt about the seriousness of municipalities to make long term decisions and stick with them.
- The establishment and adoption of a provincial land use policy which can provide the framework for regional and local plans and policies. An effective system cannot develop without this framework, particularly in the areas covered by regional governments, but also in other areas of the province.
- Because the municipal planning system derives its authority from The Planning Act and other related legislation, the province should support and supplement this legislation technically by means of regulations, orders, and guidelines to allow for (i) improvements in planning techniques, and (ii) elaboration of policies from time to time.
- The functioning of the municipal planning system is dependent on suitable organization locally, regionally, and provincially. The administrative and technical organization does not support the municipal system effectively. Delegation is occurring; more may be required.

The desire for maximum local decision-making should be recognized and provided for.

In addition to these central issues, a few others can be summarized. The fund of experience gained in both plan preparation and development control is a major asset which could be used for the improvement of the system if it is, in fact, drawn upon and fully analyzed.

It appears that presently the planning system is mainly concerned with and regulates where development occurs far more than with how and when it occurs. This is because the system is dominated by proposals and reactions to them at a limited number of locations. The system as a whole may be responsible for this preoccupation because of the system's effect on the supply of development sites. In any event, the machinery appears to be incapable of dealing with this situation or from focussing attention on other neglected aspects of planning.

The planning conflicts between regions and within regions, between municipalities and within municipalities, which remain unsolved, are partly a reflection of the failure of the system to cope with co-ordination. In another respect, the unresolved conflicts show that no understanding has been reached on the nature of joint planning and the nature of planning at different scales.

Similarly, there is no flexibility or understanding of the different planning requirements in rural areas and the north.

APPENDIX

AREAS AND MUNICIPALITIES INCLUDED IN SURVEY

CORNWALL

City of Cornwall
Lower St. Lawrence Planning Area

GUELPH

City of Guelph
County of Wellington

KINGSTON

City of Kingston
Kingston Township
Pittsburgh Township

LONDON

City of London
London Township
Westminster Township

LAKEHEAD PLANNING AREA

City of Thunder Bay
Neebing Township
O'Connor Township
Oliver Township
Paipoonge Township
Shuniah Township
Conmee Township

MUSKOKA

District of Muskoka
Town of Bracebridge
Lake of Bays Township

NIAGARA

Regional Municipality of Niagara
City of St. Catharines
Town of Fort Erie
Wainfleet Township

OTTAWA-CARLETON

National Capital Commission
Regional Municipality of Ottawa-Carleton
City of Ottawa
Nepean Township
West Carleton Township

OWEN SOUND, City

PETERBOROUGH, City

SAULT STE. MARIE

City of Sault Ste. Marie
Prince Township
Sault North

SOUTH BRUCE PLANNING AREA

Town of Port Elgin
Town of Kincardine
Town of Southampton
Town of Walkerton
Town of Chesley

TRI-TOWN AREA

Town of New Liskeard
Town of Cobalt
District Town of Haileybury

TEMAGAMI

WATERLOO

Regional Municipality of Waterloo
Kitchener
Waterloo
Cambridge
Wilmot Township

RESPONSES TO THE REPORT

"THE OPERATION OF MUNICIPAL PLANNING IN ONTARIO"

PART TWO: RESPONSES TO THE REPORT
"THE OPERATION OF MUNICIPAL PLANNING IN ONTARIO"

1. INTRODUCTION

The preceding report was circulated by the Committee to about 100 individuals, asking for their reaction to the general validity of the analysis and to the conclusions reached by the consultant. Written responses, often expressing personal opinions, were received from 42 planners and lawyers.* A breakdown of the group by profession and place of employment is contained in Figure 1.

FIGURE 1 NATURE OF THE RESPONSE TO "THE OPERATION OF MUNICIPAL PLANNING IN ONTARIO."

<u>PROFESSION/PLACE OF EMPLOYMENT</u>	<u>NO. OF RESPONDENTS</u>
1. <u>PLANNERS</u>	
(i) Provincial Government	
- Ministry of Treasury, Economics	
and Intergovernmental Affairs	9
- Ministry of Housing	8
(ii) Regional/Metropolitan Government	7
(iii) Local Government	4
(iv) Private Consultants	8
(v) Universities	3
2. <u>LAWYERS</u>	
(i) Private Practice	2
(ii) Local Government	1
Total	<u>42</u>

2. GENERAL EVALUATION OF THE REPORT

Most responses consider "The Operation of Municipal Planning in Ontario" to be a well-written critique of the existing situation across the Province. Many think that the report highlights critical problem areas, although there is a very mixed reaction to the report's conclusions and "preferred planning system".

* A complete list of the respondents is contained in the appendix to this paper.

Some find the report very difficult to assess primarily because it covers a wide range of issues in a generalized way; the general observations made could be valid or invalid depending on the particular situation. The fact that the report contains no specific examples of local situations was felt by some to weaken the impact of its rather sweeping conclusions.

Some think the analysis is limited. There are two main reasons for this view:

- (i) the report's concentration on the views of planners and administrators while ignoring opinions from builders, developers, land economists and land users.
- (ii) the report seems to look at the municipal planning process in isolation. For one thing, it discounts the relationship between municipal planning and the planning carried out by Provincial and Federal Ministries and special purpose bodies. For another, it ignores the question of the interrelationship between private market forces and public actions as they relate to the inputs and outcomes of municipal planning.

3. RESPONSES TO THE CRITICAL PROBLEM AREAS

"The Operation of Municipal Planning in Ontario" identifies a number of critical problem areas i.e., the fact that the basic problems are not legislative, but political, administrative and technical; the weak link between planning and capital budgeting; the need for better technical experience and competence in municipal planning; and the weak link between plans and development control mechanisms.

The responses to these problem areas are as follows:

- A. The fundamental problems of the municipal planning system are political, administrative and technical - not legislative (p.39).

There was considerable response to this assertion, and the opinions diverged widely. Those in agreement with the statement argue that The Planning Act is permissive and encourages a variety of planning styles in municipalities. The problem, therefore, is not the legislation (which is very flexible) but the politicians, administrators and planners who have never used the Act to the best advantage.

If the planning process has broken down, it is because of the administrative and political structure within which decisions are made. This includes the power relationships within a community, the short-term versus long-term horizons of politicians, the way priorities are set, and a community's funding constraints.

In contrast to this argument, there was an equally strong contingent of respondents who disagreed with the statement. To them,

the legislation itself is political in the sense that it sets up the decision-making environment, defines the rules of the game, and establishes the relationship among the major actors.

Furthermore, there are at least five areas where the legislation has let the planning process down:

- (i) the lack of implementing powers conferred on Joint Planning Boards
- (ii) the vagueness with respect to the content of Official Plans and the composition of Planning Boards
- (iii) the parochialism implicit in the membership of Regional Councils
- (iv) the cumbersome and time-consuming appeal procedure
- (v) the negativism inherent in The Planning Act.

All of these deficiencies in the legislation, which are referred to in the report, have produced some of the political administrative and technical shortcomings in the implementation phase of the planning process.

B. The Weak Link Between Municipal Planning and Capital Budgeting

There was widespread agreement about the importance of this problem; some identify it as the most critical issue. The reasons given for the weak linkage are:

- (i) there is nothing in the legislation which makes the linkage mandatory.
- (ii) the Province is so involved in the approval of plans and amendments that it is difficult for a municipality to mesh the two programs.
- (iii) it takes a long time to prepare and implement plans. The long-range perspective of most plans has difficulty fitting in with a municipality's short-term financial concerns.

C. The Need For Better Technical Experience and Competence in Municipal Planning.

There was a mixture of response to this issue. Those who agreed with the assertion were the same people who argued that it was the planners more than the nature of the planning process that cause the problems in municipal planning. To them, planners lack the training (particularly economic training) to do the job properly. As a result, many planners look at issues from a very narrow perspective. In contrast to this argument, several respondents felt that there has always been an adequate reservoir of competent planners. According to them, the system will not be improved simply by adding new technical skill and ingenuity.

D. The Weak Link Between Plans and Development Control Mechanisms

There was general agreement concerning the weak linkage between plans and development control mechanisms, although some respondents felt that development controls followed directly in line with local plans and policies. Those taking the latter view seriously questioned the suggestion, made at one point in the report (p.19), that subdivision designs not in conformity with an Official Plan could be approved.

Several respondents highlighted the process of granting consents as a prime example of the weak linkage between plans and development control. This was a curious situation, because these remarks flew in the face of the comments in the report about the effectiveness

of severance procedures (p.19). As the critics put it, the consent process is considered to be the 'Achilles heel' of planning in Ontario, and the decision-making style of Committees of Adjustment and Land Division Committees gives further testimony to the weak linkage between plans and development controls.

4. CONCLUSIONS AND RECOMMENDATIONS:

The Operation of Municipal Planning in Ontario draws some conclusions relating to the four main sections of the report: plans, controls, the organizations of planning activities, and the nature of planning purposes. The conclusions and responses are as follows:

- (i) The preparation of plans, and their content and use, is an essentially undirected, variable, somewhat disorderly process of limited effectiveness. (p.16).

There is agreement that the preparation of plans is an undirected and disorderly process. Many cite the overlap in content and level of detail in plans prepared at the three levels of government. The lack of plan production guidelines - from the Province (in the form of manuals) or in the legislation - also appears to be lamented.

Despite the fact that many agree that the process is disorderly, there is considerable disagreement with the report's recommendation concerning a more rigorous plan structure (p.35). This suggestion is seen as a retrograde step towards more rigidity and hence more rapid obsolescence in plans.

If there is to be rigour, it should be seen simply as a desire for firmness in the sense of a consistent set of policy guidelines yielding criteria for evaluating development proposals. The inclusion of these criteria would improve the effectiveness of plans by linking them to development control measures. However, this firmness should not preclude a level of flexibility which would allow for basic policy changes without cumbersome or expensive procedures.

- (ii) The development control system is too complex, too time-consuming and rarely achieves the kind of control needed (p.18)

Several respondents agree that the system is complex in the sense that development controls overlap and there is often an inappropriate sequencing of approvals for the same development. Others are critical of the lack of public accountability for non-decisions and refusals, and of the powerful role of the O.M.B. as a policy-making body in determining the outcome of appeals on development applications.

On the other hand, several respondents feel that the complex and time-consuming nature of the process reflects the complexity of development proposals, and ensures that interests which are contradictory can be worked out in a satisfactory manner. Furthermore, the delays give some assurance to the public that planning is a community process in which many participate, and that sweeping powers do not reside solely in the hands of a council or a particular interest group.

This latter group generally feels there is no need to replace the existing development control process (particularly zoning by-laws and subdivision approvals) with a more flexible method of control. (p.35). To them, the existing development controls already provide a high degree of flexibility, and any new system that was more flexible would lead to very arbitrary decision-making on development applications.

To achieve the kind of control needed, then, the prevailing feeling is that the existing system does not need to be made more flexible. Rather, it should simply be rationalized and regularized to prevent unnecessary duplication, while continuing to encourage public participation. In this sense, the existing tools are not considered to be "unsuitable and untenable" as the report suggests (p.35). These tools have just never been properly used.

- (iii) The functioning of the municipal planning system is dependent on suitable organization locally, regionally, and provincially. The desire for maximum local decision-making should be recognized and provided for (pp 39-40).

There is widespread agreement that more authority should be delegated to the local level to make the municipal planning process more flexible and accountable. In this sense, many respondents disagreed with another recommendation in the report calling for Provincial regulations and orders. This suggested bureaucratic control or political coercion from Queen's Park. Why have detailed orders when the existing legislation can provide for innovation, flexibility and diversity? Many respondents argue that the Province's role should be limited to preparing guidelines which provide a consistent framework from which municipalities have flexibility in preparing and implementing their own plans.

On the question of the use of Planning Boards versus Committees of Council at the local level, there is a very mixed reaction. Some agree with the report that Boards should be replaced by - Committees of Council so as to get planning more integrated with capital budgeting and to eliminate a system which many think is detached and incompetent, with lengthy delays. On the other hand, some favour the retention of Planning Boards as apolitical and knowledgeable bodies which encouraged public debate of issues and made balanced assessments of the situation at hand.

A third group does not favour setting out any arbitrary rules on the matter, but feels that the choice of body and composition should be left entirely up to the discretion of the local municipality.

On the question of Joint Planning Boards, several respondents are critical of the report's observations. To them, these boards play an important advisory role if only with respect to the council of the designated municipality. Any weaknesses in these boards have been due to the fact that they have not really had a chance to develop their major policy planning function because of the relative insignificance of Official Plans in joint planning areas.

Most respondents think that the delegation of planning powers to regional municipalities is a step towards greater accountability. However, some argue that delegation of subdivision approval powers, for example, should not take place until a draft Regional Official Plan has been approved. There is a minority opinion that feels that the whole effort towards regional planning has been a failure and should be abandoned.

On the question of the Provincial role in municipal planning, some agree with the report that there is a need for greater Provincial leadership to overcome a system with too loose direction. In this sense, it is recognized that more effort is needed in clarifying and simplifying operating principles. Furthermore, the Ministry of Housing should continue to provide guidance (through bodies such as CPAB) in the preparation and co-ordination of plans.

On the other hand, most respondents agreed with the report's conclusion that the Province's supervision of the plan and development control approval processes has been far too restrictive. This has been equally true in the unorganized parts of the Province where the control situation is relatively simple.

As for the role of the Ontario Municipal Board, there was a very mixed reaction. Some favoured retaining the O.M.B. in a modified form; some felt the role should be taken over by the Minister of Housing; and some advocated the British inspectorate system. Whatever the body, there was agreement on the operational criteria. The appeal body should be a knowledgeable and efficient body whose decisions were both consistent and accountable. There should be limited political intervention in its operation. It should not be expensive or time-consuming to run. It should not decide major policy. Its decisions should be equitable in the sense of giving equal treatment to all existing or prospective landusers. Frivolous appeals should be dismissed before a hearing is convened.

Finally, the points made in the report concerning public participation received widespread support. There was a feeling that it is not possible to legislate for better public participation, except in ensuring that individual rights to be informed on issues and to be able to participate in the making of critical decisions are protected. Whatever procedures are established, many felt that the program should establish a proper balance between the protection of private interests and the recognition of broader social goals. This obviously called for a flexible approach to participation.

- (iv) The municipal planning system is ill-designed for arriving at workable statements of objectives. The system appears best designed for, or functions in favour of, delay and opposition to change. (p. 33)

Many respondents agree that the system favours negative, restrictive objectives. Where positive objectives exist, many agree that the implementation process breaks down. According to some, the absence of positive objectives creates an environment where there is an unwillingness to plan.

This prevailing viewpoint doesn't prevent some respondents from arguing that the system can arrive at workable statements of objectives. The point is that this is a difficult thing to do - considering that the process involves reconciling different philosophical and political views of planning. Furthermore, there is no uniform approach to this task; local systems vary the methods they used to come up with objectives, given the differences in their planning frameworks and planning resources.

5. SUMMARY

"The Operation of Municipal Planning" was seen to be a good critique of current municipal planning problems. Many respondents, however, disagreed with the report's preferred planning system; they opposed the rigorous plan structure on the grounds that it would lead to greater rigidity and more rapid obsolescence in plans; they disagreed with the idea of replacing some of the existing development controls with a more flexible system because they felt there was already enough flexibility if the tools were used to the best advantage.

Most respondents agreed with the importance of co-ordinating the fragmented aspects of the system - of improving the linkage between plans and development controls, and strengthening the ties between planning and capital-budgeting.

The widest divergence of opinion revolved around the question of whether the system should become more uniform, streamlined and efficient, or whether it should be flexible and loose. Whatever the differences on this point, there was unanimous agreement that the system should be more accountable to the public, particularly at local and regional levels.

APPENDIX

LIST OF RESPONDENTS TO "THE OPERATION OF MUNICIPAL PLANNING IN ONTARIO"

Mr. Peter Allen, Commissioner of Planning, Regional Municipality of Peel
Mr. Dennis Barker, Commissioner of Planning, City of Toronto
Mr. A.C. Beattie, Director of Planning, North Pickering Development Corporation
Mrs. Anne Beaumont, Director, C.P.A.B., Ministry of Housing
Dr. Hans Blumenfeld, Planning Consultant
Mr. John Bousfield, John Bousfield Associates
Mr. John Bower, Commissioner of Planning, Metropolitan Toronto
Mr. J.J. Carthy, Weir & Foulds, Barristers & Solicitors
Mr. S.J. Clarke, Chief Planner, Technical Services Division, Ministry of Housing
Mr. E.R. Cumming, Commissioner of Planning, Regional Municipality of Halton
Mr. Bruce Davidson, Acting Commissioner of Planning, Borough of North York
Mr. Murray Davidson, Northeastern Ontario Regional Office, TEIGA
Mr. A. Derkowski, A. Derkowski and Associates, Town Planners & Land Economists
Mr. Conroy Dowson, Conroy Dowson Planning Consultants Inc.
Mr. G.M. Farrow, Executive Director, Plan Administration Branch, Ministry
Ministry of Housing
Mr. S.E. Foster, Local Government Advisor, Central Ontario Regional Office,
TEIGA
Mr. L.O. Gertler, School of Urban & Regional Planning, University of Waterloo
Mr. Fred Hamblin, Director, Southwest Ontario Region, TEIGA
Dr. G. Hodge, Director, School of Urban and Regional Planning, Queen's University
Mr. Spencer Hope, Area Manager, Central Ontario Regional Office, TEIGA
Mr. Leon Kentridge, Planning Director, Marshall Macklin Monaghan
Mr. Matthew Lawson, Matthew B.M. Lawson Planning Consultants Ltd.
Mr. Derek Little, Municipal Planning Consultants
Mr. K.H. MacDiarmid, Solicitor, Borough of Scarborough
Mr. Peter Martin, Director, Ontario Housing Action Program, Ministry of Housing
Mr. W.F.H. McAdams, Commissioner of Planning & Development, Regional
Municipality of Durham
Mr. B. McLeod, Manager, Official Plans Branch, Ministry of Housing
Mr. Alan McWilliam, Commissioner of Planning, Borough of East York
Mr. G.G. Muirhead, Director of Planning and Urban Renewal, City of Kingston
Prof. Norman Pearson, University of Western Ontario
Mr. A.S.M. Pound, Commissioner of Planning, Regional Municipality of York
Mr. Graham Power, Director of Planning, District Municipality of Muskoka

Mr. George Rich, School of Urban and Regional Planning, University
of Waterloo

Mr. Nigel Richardson, Regional Planning Branch, TEIGA

Mr. Phil Rimmington, Director, Official Plans Branch, Ministry of
Housing

Mr. Donald Steele, McMaster & Montgomery, Barristers & Solicitors

Mr. D.F. Taylor, Executive Director, Project Implementation Division,
TEIGA

Mr. Alec Trafford, Director, Central Ontario Region, TEIGA

Mr. D. Tulloch, Director, Northeastern Ontario Region, TEIGA

Mr. G. Wright, Senior Local Government Advisor, Central Ontario
Regional Office, TEIGA

Mr. J.M. Wright, Commissioner of Planning, Regional Municipality
of Ottawa-Carleton

Mr. W. Wronski, Assistant Deputy Minister, Community Planning,
Ministry of Housing



